

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS A. ACEVEDO GARCIA, ET ALS. *

*

Plaintiffs

*

vs.

*

Civil No. 97-2639 (JP)

*

HON. ROBERTO VERA-MONROIG, *

ET ALS. *

*

Defendants

*

PLAINTIFFS' RENEWED MOTION FOR
AN ORDER OF CONTEMPT

TO THE HONORABLE COURT:

COMES NOW plaintiffs, through the undersigned attorney, who very respectfully states as follows:

In the opening of its most recent opinion in this lengthy case – in which opinion it affirmed the budget-inclusion and contempt Orders of this Honorable Court – the Court of Appeals described the conduct of defendants as follows:

In these appeals, we address the willful and longstanding efforts of a Puerto Rico municipality, its mayor and its personnel director to obstruct and delay the payment of a \$6.9 million jury award in a civil rights case.

Shortly after the Court of Appeals' decision, this Honorable Court scheduled a conference to be held on June 9, 2004 to consider, *inter alia*, the question whether the \$1.5 million award for due process damages against defendant González was also against defendant Municipality of Adjuntas and the question of how payment

of the judgment was to be made. By orders dated June 14, 2004 this Honorable Court ordered (i) that the \$1.5 million due process award against defendant González was also against defendant Municipality of Adjuntas and (ii) that the full amount of the judgment against defendant Municipality of Adjuntas was to be included in the Municipality's budget for fiscal 2004-2005. The amount of the judgment against defendant Municipality of Adjuntas, to be included in the Municipal budget for 2004-2005, and against defendants Vera and González in their official capacities, with interest up to and including June 30, 2004, was ordered to be \$6,726,198.80. The amount of the judgment for attorney's fees to be included in the Municipal budget for 2004-2005, with interest up to and including June 30, 2004, was ordered to be \$101,783.82. Accordingly, the total judgment ordered by this Honorable Court to be included in the Municipality's budget for 2004-2005 was \$6,827,982.62.

The Orders of June 14, 2004 did not address the subject of punitive damages, which were awarded against defendants Vera and González in their individual capacities and therefore are not a liability of defendant Municipality of Adjuntas. Payment of those awards was secured by a supersedeas bond filed by defendants Vera and González. The amount of the punitive damages awards, with interest up to and including June 30, 2004 is \$634,906.45. Defendants were informed of that amount by a letter from undersigned counsel of June 17, 2004.

The total judgment to which plaintiffs were entitled, with interest, as of June 30, 2004, was \$7,462,889.07, as follows:

Judgment against Municipality and Vera and González in their official capacities.	\$6,726,198.80
Attorneys' fees against Municipality, Vera and González in their official capacities.	101,783.82
Judgment for punitives against Vera and González individually.	634,906.45
Total	\$7,462,889.07

Subsequent to the Orders of June 14, 2004 undersigned counsel repeatedly – but to no avail – has sought information from defendants' counsel as to when and by what means payment of the judgment amounts is to be made. Time and time again during the last two months undersigned counsel has been told that a meeting of representatives of the Municipality has been scheduled for a particular date, at which meeting those questions will be decided. As far as undersigned counsel is informed, no such meeting has occurred. As recently as last week, he was told that the meeting would be held on August 11. When he called to inquire what had been decided at the meeting on August 11, he was told that the meeting had been rescheduled for August 13. Subsequently he was told that the meeting on August 13 had been cancelled.

It is abundantly clear that defendants' willfully obstructive conduct in this case continues, notwithstanding the harsh criticism directed at them by the Court of Appeals. Unless coerced by further order of this Honorable Court, defendants have no intention of paying the judgment.

For the above reasons, plaintiffs respectfully request an order that defendants pay the full judgment on August 31, 2004 with interest to that date, on condition that if they fail to make that payment, each of defendants Municipality, Vera individually and González individually will be fined \$1,000 per day until full payment of the judgment is made. Plaintiffs further suggest that the proposed fines not be exclusive and that other sanctions be imposed also.

WHEREFORE, it is respectfully requested that the Order requested herein be **GRANTED**.

I hereby certify that on August 18, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Attorneys Johanna Emmanuelli-Huertas, Esq., Pedro Ortiz Alvarez Law Offices, P.O. Box 9009, Ponce, Puerto Rico 00732-9009; Luis V. Villares Sarmiento, Esq., Sanchez Betances & Sifre, P.O. Box 195055, San Juan, Puerto Rico 00919-50055.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 18th day of August, 2004.

s/Israel Roldan Gonzalez
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Postal Service the document to the following non CM/ECF participants: Hector L. Guzman, 29 Gaya-Benejam Street, San Sebastian, PR 00685.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 18th day of August, 2004.

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